

1 DEBORAH L. STEIN (State Bar No. 224570)
dstein@stblaw.com
2 COLIN H. ROLFS (State Bar No. 280654)
colin.rolfs@stblaw.com
3 JOANNE S. JENNINGS (State Bar No. 298009)
joanne.jennings@stblaw.com
4 SIMPSON THACHER & BARTLETT LLP
1999 Avenue of the Stars, 29th Floor
5 Los Angeles, California 90067
Telephone: (310) 407-7500
6 Facsimile: (310) 407-7502

7 Attorneys for Defendants
BERKSHIRE HATHAWAY HOMESTATE
8 INSURANCE COMPANY and CYPRESS
INSURANCE COMPANY
9

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12
13

14 ADELA GONZALEZ, on behalf of
herself and all others similarly
15 situated,

16 Plaintiff,

17 v.

18 BERKSHIRE HATHAWAY
HOMESTATE COMPANIES, a
19 Nebraska Corporation, et al.,

20 Defendants.
21
22
23
24
25
26
27
28

Case No. 2:16-cv-02690

The Honorable Andrew J. Guilford (JEM)

**NOTICE OF JOINT MOTION AND
JOINT MOTION OF BERKSHIRE
HATHAWAY HOMESTATE
INSURANCE COMPANY, CYPRESS
INSURANCE COMPANY, ZENITH
INSURANCE COMPANY, AND
OLIVER GLOVER TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

Date: November 28, 2016

Time: 10:00 a.m.

Courtroom: 10D, Santa Ana

Action Filed: April 19, 2016

[Filed concurrently herewith:
Memorandum of Points and Authorities;
[Proposed] Order]

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 28, 2016, at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 10D of the United States District Court, Central District of California, located at 411 West 4th Street, Santa Ana, California 92701, Defendants Berkshire Hathaway Homestate Insurance Company (erroneously named as Berkshire Hathaway Homestate Companies), Cypress Insurance Company, Zenith Insurance Company, and Oliver Glover will move this Court for an order granting their Joint Motion to Dismiss Plaintiffs' First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

This Motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; all records and papers on file in this action; any oral argument; and any such further evidence that the Court may consider in hearing this motion. This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on October 24, 2016.

Dated: October 31, 2016

SIMPSON THACHER & BARTLETT LLP

By /s/ Deborah L. Stein
Deborah L. Stein

Attorneys for Defendants
BERKSHIRE HATHAWAY HOMESTATE
INSURANCE COMPANY and CYPRESS
INSURANCE COMPANY

LARY ALAN RAPPAPORT
JACQUELYN N. FERRY
COURTNEY M. BOWMAN
PROSKAUER ROSE LLP

By /s/
Lary Alan Rappaport

Attorneys for Defendant
ZENITH INSURANCE COMPANY

1 MANNING & KASS
2 ELLROD, RAMIREZ, TRESTER LLP

3 By /s/
4 Dennis B. Kass

5 Attorneys for Defendant
6 OLIVER GLOVER
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE ATTESTATION

I hereby attest that all other signatories listed and on whose behalf the filing is submitted concur in the filing's content and have authorized the filing.

Dated: October 31, 2016

SIMPSON THACHER & BARTLETT LLP

By /s/ Deborah L. Stein

Deborah L. Stein

Attorneys for Defendants
BERKSHIRE HATHAWAY HOMESTATE
INSURANCE COMPANY and CYPRESS
INSURANCE COMPANY